

Law Enforcement News

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In this issue:

Around The Nation: A coast-to-coast roundup of police news. **Pages 2, 3.**

People & Places: Helping hands; on the hot seat; Price is right; new chief builds on community roots; strummin' on the old banjo. **Page 4.**

Shocking & stunning: San Diego expands officers' use-of-force options. **Page 5.**

Learning from mistakes:

Aim is to avoid a repeat of a fatal SWAT mission. **Page 5.**

Changing with the times: A project once aimed at tracking a possible serial killer gets new focus. **Page 6.**

OK, with an asterisk: NYPD crime lab gets accredited despite problems. **Page 6.**

The price of honors: Amid awards controversy, Louisville dumps its police chief & may add a civilian review board. **Page 7.**

Show me the money: Police force riddled with tax-dodging allegations. **Page 7.**

First response: Omaha scraps its gang unit, reassigning officers to 911 response duties. **Page 7.**

Forum: A drug warrior calls for peace; paying a visit to the blue wall. **Page 8.**

Y2K bug: Computer glitch spawns jail-records mess in Georgia county. **Page 9.**

The high seize: Connecticut police get more than they bargained for with gun-seizure law. **Page 9.**

Getting even tougher: Despite criticism, California voters OK tough juvenile justice initiative. **Page 9.**

Protecting the protectors: Black Secret Service agents say they're victims of on-the-job bias. **Page 10.**

Warts & all: Minnesota to add potentially flawed crime records to state database. **Page 11.**

Getting it right

Study says Miami-Dade PD has a handle on use of force

If black, white and Latino officers are using overall similar levels of force against resisting suspects, whether of their own or different racial or ethnic groups, then the Miami-Dade (County), Fla., Police Department is doing something ever so right, according to the conclusions reached in a federally funded study that examined the role ethnicity played in use-of-force incidents.

The research draws on data collected from more than 1,000 of the department's Control of Persons reports from the years 1996 through 1998. In their analysis, Geoffrey P. Alpert, a criminologist from the University of South Carolina, and Roger G. Dunham, a sociologist from the University of Miami, found that officer characteristics such as race or ethnicity, gender or age, had little if any bearing on whether force was used, or at what level.

"An examination of the level of force used by police officers against suspects during arrest situations shows remarkably similar levels of force used against suspects of different racial and ethnic backgrounds," said the study. "Officers utilize comparable levels of force regardless of their ethnic background. It is significant that only a few ethnic differences exist in the administration of force, and that those differences were usually quite small."

The 3,004-member Miami-Dade department is considered to be among the most diverse law enforcement agencies in the country, comprising 42.7 percent white officers, 17.8 percent black and 38.6 percent Hispanic. According to Cmdr. Edmundo Valdez who heads the agency's personnel management bureau, there was a conscious effort to make the department reflect the makeup of the community. A hiring goal of 50 percent Hispanic, 30 percent white and 20 percent black was set for academy classes.

"We target that each class starts with those numbers, and we've been able to maintain it throughout the years," he told Law Enforcement News. "It's taken a long time. We've been able to reach those numbers as opposed to set-

ting a goal in a certain area just to catch up."

During the 1970s, Miami-Dade, then known as the Metro-Dade Public Safety Department, was a troubled police force that reached a crossroads in 1979 when a black insurance salesman, Arthur McDuffie, was beaten to death by at least six white officers. A high-speed chase was prompted by the victim "popping a wheelie" on his motorcycle and "flipp[ing] officers the bird," said police reports.

When an all-white jury in 1980 acquitted the officers of all charges after less than three hours of deliberation, Miami exploded in one of the ugliest racial incidents in U.S. history. After three days of rioting, 18 people were left dead and millions of dollars in damage was done to the city.

"When they killed Arthur McDuffie, there was a lot of corruption, a lot of problems, racist problems, force, they went through a whole series of changes in recruiting, training and accountability," Alpert told LEN. "[It] turned the department around. I think because of

the crisis it was going through, it corrected itself."

While the authors assert that the differences they found in the use of force by officers of different ethnic and racial groups were minute, those variations cited in the study have nonetheless left the report open to wide interpretation. One finding in particular — that officers tend to use force against members of their own race or ethnic group more often than officers of other ethnic groups — was played up in the mainstream press.

"We could have just not explored any of those minor differences, but we felt that that was important and we felt they were kind of interesting," Dunham told LEN. "The main finding was that all the groups of officers are remarkably similar. A lot of people are thinking that Anglo officers are out there using a whole lot of extra force on minorities — we didn't find that."

Dunham and Alpert did find that in cases of use of force by white officers, 26 percent involved white suspects, 40 percent involved black suspects and 33

percent involved Latino suspects. When Hispanic officers were used force, 24 percent of the cases involved white suspects, 41 percent involved black suspects and 35 percent involved Latino suspects.

In cases where black officers used force, 16 percent of the suspects were white, 67 percent were black and 17 percent were Hispanic.

The seemingly wide differences in these percentages are in fact "slight," according to the authors, when considered in the context of the racial and ethnic composition of the suspect population and the MDPD.

The study also looked at the levels of resistance posed by suspects and found that the greatest likelihood that an offender would assault an officer occurred when a black officer was arresting a white suspect (36 percent). Black officers, the study said, face resistance 100 percent of the time in arresting either whites or Hispanics in the incidents studied.

Black suspects were found by the

Continued on Page 11

Fed appeals court says Miranda mistakes can be personally costly

The failure of a police officer or detective to advise a suspect of his Miranda rights, or to respect a suspect's wishes once those rights are invoked, can typically mean the loss of a criminal case for a prosecutor, but rarely any individual penalty for the officer. For police in nine Western states — and potentially nationwide — those days may be over.

The full U.S. Court of Appeals for the Ninth Circuit recently affirmed a ruling by a three-judge panel of the court that police may face civil liability for violating the constitutional rights of murder suspects when they continued their interrogations after the men requested lawyers.

The Ninth Circuit court, which covers California, Nevada, Arizona, Mon-

tana, Idaho, Oregon, Washington, Alaska and Hawaii, rejected a request by the Los Angeles and Santa Monica police departments to rehear the case decided by the three-judge panel. If not overturned by the U.S. Supreme Court, the unanimous appellate ruling could have an earth-shaking impact on police practices.

The appeal stemmed from two cases, the first involving Los Angeles police. James Bey, a murder suspect, was questioned while handcuffed to a bench in a police station, according to court documents. Bey was given his Miranda warnings and told he was a murder suspect, but police continued to question him. Eventually, Bey made incriminating remarks which were used against him in court. He was convicted

and sentenced to life in prison.

In Santa Monica, officers continued to question James McNally about a murder after he told them he did not want to talk and asked for a lawyer. As in the case of Bey, McNally ended up incriminating himself after detectives persisted in their interrogation. He was convicted of manslaughter. His incriminating statement, although disallowed by a judge during the initial phase of McNally's trial, was used against him as an aggravating factor at his sentencing.

Ruling on a lawsuit originally brought in 1995 by civil liberties attorneys, U.S. District Judge Edward Rafeedie rejected the officers' contentions that they had not violated the suspects' rights by continuing to question them, and that they were immune from liability because they were doing as they had been trained to do by their departments.

The officers then appealed to the Ninth Circuit, seeking an interpretation on the legal issue of immunity.

At issue was a videotape, "Questioning Outside Miranda," which is used by departments statewide. In it, Orange County prosecutor Devalis Rutledge tells officers they have the authority to keep questioning even after suspects ask for an attorney. If they try to stay silent, says Rutledge, officers should push them to provide details of the crime or to confess. Even if the statement is not admissible in court, it can still be used to aid in the investigation.

Jeanette Schachner, an attorney for the city of Santa Monica, said that persistent questioning has led to the dis-

Continued on Page 10

LAPD Board of Inquiry report spreads the blame around for Rampart scandal

If it were a report written in computer jargon, it might have highlighted the catch phrase "garbage in, garbage out."

A scathing report by a Los Angeles Police Department Board of Inquiry, convened in response to last year's devastating Rampart corruption scandal, has concluded that the dysfunctional-plagued LAPD needs to significantly change the way its officer candidates are tested and screened prior to hiring, in addition to taking a more proactive approach to detecting patterns of behavior that could serve as indicators of corrupt activities.

While little can be done to prevent a police officer who decides to engage in criminal behavior from doing so, the board concluded, greater oversight of the department's CRASH unit — short for Community Resources Against Street Hoodlums — might have prevented or at least helped to uncover the crimes committed by some of the unit's members during the late 1990s.

"It is very clear that many of these officers allowed their personal integrity to erode and their activities certainly had a contagion effect on some of those around them," said the report. "We, as an agency, must learn from what they

did and establish systems to prevent and detect similar patterns and activities should they occur in the future."

The 372-page report, issued on March 1, said the scandal has sundered the department's relationship with the community and threatened the integrity of the city's entire criminal justice system.

The Board of Inquiry, composed of top-ranking police officials, examined the performance of nine areas of the department, including pre-employment screening and personnel investigations and risk management. Among its 108 recommendations, the board called for

a change in state law that would give law enforcement agencies access to an applicant's full criminal history, including sealed juvenile records.

In the same vein, the board said, responsibility for the psychological screening of candidates should also be transferred to the LAPD's chief police psychologist. Although such a move might require a change in the city charter, it would ultimately prove to be a more efficient system for resolving issues of fitness for duty issues, the report said.

The four officers involved most

Continued on Page 6

Around the Nation

Northeast



CONNECTICUT — All 53 police officers in Naugatuck tested negative for drug use in tests ordered by Mayor Joan Taf. The mayor said she ordered the tests after one officer allegedly sold steroids to another. [See LEN, Feb. 14, 2000.]

Former Hartford officer Michael Ancona, 37, was barred from police work in the state after he was convicted of lying about the beating of suspect James Wilson. Ancona was sentenced in January to six months in prison. Former Hartford patrolman Edward Hampton III, 21, was similarly barred from police work for driving with a suspended license.

Jesus Rivera, a 31-year-old former Hartford officer, has been sentenced to five years in prison for coercing prostitutes into sexual acts while patrolling the city. Rivera pleaded guilty to one count of an eight-count federal indictment and resigned from the force last fall. He is one of six officers implicated in the federal investigation.

East Hartford police dispatcher Patricia Learned is fighting her suspension for calling Officer Brian Aselton a "doofer" after he was fatally shot in January 1999. She was suspended for five days without pay effective Feb. 25 after an investigator heard her remarks to an off-duty dispatcher on a recorded line. An internal affairs investigation had cleared Learned and other dispatchers of mishandling the 911 call.

New Milford officer Scott Smith faces a sentence of 5 to 40 years in prison after he was convicted March 13 of intentional manslaughter. Smith could have been convicted of murder for fatally shooting Franklyn Reid in the back after chasing the suspect on a highway and pinning him to the ground in 1998.

MARYLAND — A survey of 1,000 voters revealed that 54 percent of respondents favor a ban on gun sales, while 43 percent are against it. The state's attorney general has supported a ban on all private handgun ownership. No bills to restrict handgun ownership are currently before the Legislature.

The Baltimore City Council on March 1 reluctantly approved an extra \$2 million for its police headquarters renovation project. Cost overruns on the \$27-million renovation prompted the request for extra funds, and city officials have warned that the project could cost \$10 million more. Police said extensive asbestos in the building prompted the increased contractors' fees. Renovation is expected to be finished in July 2001.

Baltimore Police Officer Jamie A. Roussey, 22, died March 8 when his Jeep Cherokee patrol vehicle smashed into a car while the officer was racing to help a colleague pursue a suspect. The driver and passenger in the other vehicle, Calvin Thompson Jr. and Robert Scott, were arrested and charged with possession of a deadly weapon, a Glock 9 mm pistol that was found in their trunk.

Police from Anne Arundel, Prince

George's and Montgomery counties uncovered \$531,000 in cash and 40 kilograms of cocaine in a regional drug operation. Arrested were James Tillman, 25, his brother Jamerson Tillman, 23, and Lyle Kent Wade, 37. Police were alerted to the drug activity by a tip during a prostitution sting conducted under the High Intensity Drug Trafficking Area program.

Bowleys Quarters police used automatic dialers to alert residents to the presence of a murder suspect who was believed to be hiding nearby. Some 1,700 homes were notified that Joseph C. Paleczynski might be hiding out near the place where his former girlfriend, Tracy Whitehead, was kidnapped on March 7. Whitehead escaped, but four others were killed in the aftermath of the kidnapping.

MASSACHUSETTS — On appeal, an arbitrator has reversed the firing of Boston Police Officer John DiSciullo, who was dismissed last year amid allegations that he assaulted a passenger and his wife and knowingly filed false charges against the couple after a disputed 1997 incident on a one-way South End street. The arbitrator agreed that DiSciullo knowingly filed false charges against civilians and lied during arbitration, but nonetheless reduced the officer's discipline to a one-year suspension.

NEW JERSEY — A Superior Court judge will decide whether indictments against New Brunswick narcotics detective James Marshall and Sgt. Marco Chinchilla should be dismissed. The charges include promoting prostitution and official misconduct, and stem from the operation of a bordello. The defendants claim that the charges were improperly presented to a Middlesex County grand jury.

Howell Mayor Timothy Konopka has recommended that the Township Committee table the divisive question of whether to create the position of police director. Police Chief Ronald Carter has been at odds with Township Manager Jacqueline Ascione over control of police department directives. The new position would give the township manager a tighter grip on police activities, officials said.

Bergenfield Mayor Robert Rivas has vetoed a 2 percent raise for Police Chief Richard Baroch, despite the fact that the City Council voted 4-to-1 on Feb. 22 to give it to him. The raise would have boosted the chief's salary to \$98,000, an amount Rivas said is too high. The issue was sent back to the council for a final decision.

NEW YORK — Drug busts in New York City have soared 40 percent so far this year, according to police figures. Officials cited the success of Operation Condor, which began Jan. 17 and has resulted in 21,445 drug arrests. As of March 19, narcotics division officers assigned to the program had logged 4,420 hours of overtime.

New York City has agreed to pay \$1.87 million to settle a lawsuit filed by three young men who were shot in Harlem during the investigation of a shooting. Robert Raynosky, Juval Green and Caesar Ramos said they were unarmed when shot by two plainclothes officers in 1997.

New York City Police Officer Christopher Marchesana, 26, was charged March 13 with stealing \$4,000 in jewelry from a Long Island jewelry store where he worked as a security guard. The stolen emerald and diamond bracelet turned up at an antique jewelry and estate show in Las Vegas last June, and was traced to the suspect.

Three men posed as police officers when they kidnapped a 24-year-old Flushing woman on March 7, but a tip alerted police to the plot and led to a chase through Manhattan. When the suspects' vehicle crashed, Edwin Nunez, 32, was arrested along with one other suspect. The third had not been caught.

Veteran New York City police officer James Sullivan, 34, killed himself with his service weapon on March 14 amid charges that he testified falsely about a 1998 arrest. Sullivan had arrested Stanford Francis on charges of attempted murder after a shooting in East New York. But conflicting accounts of how the suspect's gun was handled after the shooting led to allegations that Sullivan had lied to prosecutors.

The Café Caserta in Bensonhurst, long suspected of being a police-sanctioned haven for gambling and other illegal activities, was named on March 10 as a den of police corruption. Three officers and a sergeant were arraigned on corruption charges, and others were subject to discipline.

Gov. George Pataki on March 14 proposed a broad range of gun control measures, including mandatory trigger locks with gun sales, a ban on assault weapons and ballistics fingerprinting measures to record markings of all new guns. The proposals were expected to pass the Assembly, but it was unclear how they would fare in the Republican-controlled Senate. Critics said the controls, while well-meaning, would have little effect on crime.

Former Nassau County police officer James M. Quinn was awarded \$500,000 on March 14 in a discrimination lawsuit, after a federal jury found that Quinn had been subjected to nine years of harassment because he is gay. The county had said it did not have the money to pay Quinn, but after lawyers froze \$1 million in county assets, Sheriff Edward Reilly said he would find the cash.

PENNSYLVANIA — A Wilkinsburg gunman who shot an apartment maintenance worker and customers at two fast-food restaurants on March 1 was arrested after a brief hostage standoff. Ronald Taylor, 39, kept police at bay for two hours outside of a senior hospice center while he held several people hostage in their wheelchairs. Taylor allegedly was upset about a broken door at his apartment and flew into a racially inspired shooting spree, making comments about "white-trash, racist pigs" as he worked himself up for the shootings. At least two people were killed.

Thinking a passerby had slapped her on the back of the neck, Darlene Jones continued on her way to a supermarket in Yeadon, where she did some shopping. When the 62-year-old woman returned home, however, her daughter noticed the nub of a small knife protruding from her neck and pulled it out. Jones was in fair condition at the University of Pennsylvania Hospital. Darby Calling the incident a "vicious, random attack," Police Chief Robert Smythe said five or six people "walked right past [Jones] without even noticing" the knife, which was also visible on supermarket surveillance videotapes.

March 1. Those who do not pass the test are not allowed to visit inmates.

MISSISSIPPI — Jackson police will install laptop computers in 70 patrol cars. Eventually the units will give officers speedier access to criminal records and other information.

NORTH CAROLINA — Former Raleigh officer Michael Charles DeCarlo, 27, has avoided prison for writing a fake speeding ticket in 1998. DeCarlo agreed to cooperate with internal affairs investigators in exchange for a reduced charge of one misdemeanor. The five-year veteran wrote a speeding citation against a man he had never pulled over and signed a former officer's name to the ticket. DeCarlo wrote the ticket as a favor to a friend to settle a grudge.

Some \$750,000 in federal grants for bulletproof vests will flow to law enforcement agencies across the state, as part of the Bulletproof Vest Partnership Grant Act of 1998. The money will buy 5,974 vests, officials said.

Two men were indicted on charges that they fired an assault rifle into a command post of a task force heading up the manhunt for Eric Robert Rudolph, who is wanted in several bombings between 1996 and 1998 that left two dead. Indicted were Eddie Carringer, 31, and Wayne Henry Burchfield, 32. One FBI agent's head was grazed by a bullet in the November 1998 incident, but he was not seriously wounded.

TENNESSEE — Arson has been cited as the cause of a blaze that led to the shooting deaths of Memphis Sheriff's Deputy Rupert Peete, 45, and firefighters Javier Lerma, 41, and William Blakemore, 48. Frederick Williams, 41, was expected to be charged with first-degree murder and arson. No motive had yet been found for the March 8 fire, in which Williams allegedly shot at those responding to the blaze. Williams' wife, Stacey Williams, 32, was found shot to death inside the burning house. The couple had been married just a few weeks earlier.

A \$50 reward was offered for those turning in guns to Knoxville police during the month of March. The program was part of ongoing efforts to get guns off the streets.

Opening statements began March 7 in the trial accusing four white Knoxville officers of using excessive force in the death of Andre Stenson, a 34-year-old black man who died in police custody in 1998. The \$6.75-million suit was brought by Stenson's widow.



ILLINOIS — Those delivering incendiary speeches that inspire hate crimes may be subject to criminal prosecution, if a bill under consideration by the state Senate is passed. Violators would face one to three years in jail in addition to fines. The measure has already cleared the House. Opponents say the bill violates freedom of speech.

A plan to improve traffic flow calls for installation of 22 video surveillance cameras on Interstates 94 and 65 in

Lake County. Road sensors will trigger alarms when backups or accidents occur, and officials will respond to the clogged motorways. The cameras are part of a \$12-million traffic-control project.

Improper payments to contractors and other bungles have plagued the Illinois State Police's computer division, but investigators found no criminal activity in a recent probe. A \$4.1-million computer database project was awarded to American Management Systems against the counsel of an evaluation team, but no fraud was committed, investigators said.

The mother of Northwestern University student Robert Russ, who was fatally shot by police, has called for murder charges against the officer involved in the shooting. Chicago Police Officer Van Watts IV was suspended for 15 days after the incident last June 5, in which police chased Russ until his car went out of control. Watts then smashed a car window with his gun, and claims that the weapon discharged when Russ grabbed it. Russ's mother, Vera P. Love, says a medical report indicates her son was killed while on his knees outside the car.

INDIANA — David Malinski was convicted Feb. 29 for the abduction, torture and murder of Lorraine Kirkley, whose body has not yet been found. Malinski, who was sentenced to 155 years in prison, became a suspect in the case after his wife tipped off authorities that he may have been involved in the murder of the Valparaiso woman.

Two off-duty Roseland police officers working as security officers at a local Denny's restaurant have been fired after two black students at Notre Dame University claimed they were arrested in a racially-motivated incident and were manhandled by the officers on Feb. 27.

KENTUCKY — Jefferson County police officers will get 20 automated external defibrillators under a program funded by Jewish Hospital. The \$3,000 devices will be placed in squad cars, making the department the first in the region to carry defibrillators. Police hope to acquire more than 400 units so that every squad car will be able to carry one.

OHIO — Those grieving over the shooting death of Bill Camelin are rallying behind a state hate-crime bill that would make sexual orientation a protected status under the state's existing hate-crime laws. Camelin and his partner were shot at on Jan. 19 after allegedly being baited with anti-homosexual remarks by the shooter. Police said they have few leads in the case.

Fairfield County Sheriff Gary K. DeMastry was arraigned Feb. 10 on more than 320 felony counts, including racketeering, money laundering and tampering with evidence. The charges stem from state audits alleging that DeMastry and other sheriff's employees misspent \$329,500 in public money from 1994 to 1998 on such things as personal travel, dining and entertainment. DeMastry's wife, Penny, an administrative assistant who handled bookkeeping for the sheriff's office, was also indicted, along with three deputies.



Plains States



Southwest

IOWA — The state was set to inaugurate its Internet-based registry for sex offenders in mid-March, after final tests were being completed on the system. The Web site, at www.iowasex-offenders.com, was ready to go online with the names of 200 sex offenders deemed at risk to reoffend.

KANSAS — Former Shawnee County Sheriff Dave Meneley, 54, who was ousted after perjuring himself in a drug-evidence theft hearing, said he would try to win back his job and clear his name. A replacement was set to be named March 11. Meneley was allowed to keep his retirement pension of more than \$40,000 per year, but officials were not certain whether he would retain his certification in law enforcement, which if lost would prevent him from running for re-election in November.

MISSOURI — An unidentified St. Charles officer fatally shot Emil M. Bachman on March 12, after the 60-year-old man allegedly attacked the officer and his partner with a hunting knife when they responded to a noise complaint at his apartment. Bachman was shot twice after being unsuccessfully sprayed with Mace.

A 6-year-old Independence boy, Jake D. Robel, was dragged to his death when a thief jumped into a car the boy was sitting in and began to drive off. Robel's mother, who had dashed into a sandwich shop, rushed out and tried to pull the boy out of the car, but he was entangled in a seatbelt. Kim L. Davis, 34, was charged with first-degree murder after a five-mile chase with police. Prosecutors said they will seek the death penalty.

NEBRASKA — Responses to illegal immigrants traveling on Interstate 80 will get beefed up, now that a federal immigration office and detention center has opened its doors in North Platte. The INS outpost will be staffed by a supervisor and four special agents.

The state's Internet-based sex-offender registry got the green light when Gov. Mike Johanns signed regulations implementing the system in March. Names were expected to begin appearing within a few weeks after the rules went into effect.

Council Bluffs officer Robert S. Kennedy was fired Feb. 29 amid a probe into ticket-fixing. The 12-year veteran allegedly avoided at least three traffic tickets for acquaintances and then lied about the action to internal affairs investigators. Kennedy was the second officer to be disciplined in the case since December. Officer Joe Venditte has appealed a 50-day suspension for misconduct related to the probe.

SOUTH DAKOTA — The state's Supreme Court ruled that a parole system launched in June 1996 does not necessarily apply to inmates who committed crimes before that date. The system automatically frees prisoners on their initial parole dates if they meet certain work, education and treatment goals.

order to figure out whether starting police salaries should be raised by 15 percent, from \$1,672 per month to \$1,923 per month. Officials were worried that next year's budget would not be able to cover the \$300,000 overall increase.

A DNA test saved the day for Loyd LaFavers, who was granted a stay of execution hours before he was set to die by lethal injection. A federal appeals panel ordered a halt to the March 8 execution after it was found that blood on LaFavers' pants did not come from the victim, Addie Lee Hawley, an 84-year-old who was kidnapped, raped and murdered in 1985. LaFavers, 34, has 90 days to argue that his case should be tried again.

UTAH — Former West Bountiful police Cpl. Patrick Jellerson said three officers stole from the department's evidence room. Jellerson faces felony charges stemming from a July theft from a Lakeview Hospital safe and gift shop cash register, where he was working as a security guard. No charges had yet been filed against the other officers.



Far West

COLORADO — The NRA joined forces with gun-control advocates on March 6 to support Project Exile, a program that uses federal courts rather than state courts to prosecute gun crimes. Colorado was the latest state to adopt the program, which operates statewide in Virginia, Louisiana, South Carolina and Texas, and in several cities. [See LEN, Dec. 15/31, 1999.]

Gov. Bill Owens on March 7 signed the state's first gun-control law since last year's Columbine High School shootings, restoring the authority of the Colorado Bureau of Investigations to conduct criminal background checks on those attempting to buy guns from federally licensed weapons dealers. The state's program is said to be more rigorous than the FBI's background checks. In a related development, the group Sane Alternatives to the Firearms Epidemic has launched a voter initiative to require weapons sellers at gun shows to conduct background checks on buyers. Over 62,000 signatures are needed to get the issue on the state's Nov. 7 ballot. Gun owners in the state have vowed to work forcefully to defeat the measure.

A final investigative report by the Jefferson County Sheriff's Office has concluded that the Columbine High School killers acted alone. The report puts to rest suspicions that a third gunman was active in the shootings or that other people had aided the young men. The report also finds that killers Eric Harris and Dylan Klebold were not part of the so-called Trenchcoat Mafia and did not target blacks and jocks, as previously reported.

NEW MEXICO — Benjamin Villa, 18, one of four students arrested for making a homemade bomb that was detonated at Socorro High School, told authorities it was all just a dumb prank. The explosion blew out two lockers on March 1, forcing the evacuation of over 500 students. Villa reportedly found the bomb recipe on the Internet.

OKLAHOMA — At a March 13 meeting, Tulsa County officials deferred action on the question of giving Sheriff Stanley Glanz's employees a raise. They said they will study salaries in

planning to approach the state Legislature about a bill to require metal detectors and mandatory ID badges at high schools. City councilmen Lawrence Weekly and Michael McDonald told a group of parents and students they would pursue the measure.

The Las Vegas Metropolitan Police Department broke ground on Feb. 29 for a \$5.89-million Police Training Academy and Northwest Area Command substation. Police Chief Richard McKee said the command, which is the first publicly funded substation since 1978, should be completed in October.

OREGON — Sixty-one percent of Eugene residents think their town is somewhat safe and another 21 percent think the town is very safe, according to a recently released Police Department survey. The ratings represented a slight improvement over a 1995 survey, when 20 percent judged the community unsafe.

WASHINGTON — A fake explosive device on an Alaska Airlines jet bound for Southern California forced the plane to make an emergency landing at Seattle-Tacoma International Airport on March 11. The device was reportedly a training aid being used by Alaska's security firm to conduct a test at the airport terminal. It was found after a flight attendant reached into a child's backpack for crayons. She then notified the pilot, who turned the plane around for the emergency landing. The boy had mistakenly picked up the wrong bag at an airport security checkpoint.

Residents of Marysville were warned recently about a burglar who may be wearing a freshly pressed police uniform, which was stolen from the Advanced Cleaners building in a mid-March break-in. The burglar also stole a computer and other office equipment.

Former Seattle Police Officer Brett Smith was sentenced to four months in jail on March 10 for the sexually motivated second-degree assault of two women in their bedrooms last July. Smith, 24, was charged with fondling and groping the two women in their beds after he had drinks with them earlier in the evening and then returned to their apartment. He was not on duty at the time.

The owner of a Bellevue garden shop is upset that his store has been under surveillance by a task force of Bellevue, Kirkland, Redmond and Mercer Island officers investigating marijuana growers. Police said that the garden-supply business, owned by Bob Cronk, led indirectly to more than 100 convictions for marijuana-related offenses. Cronk claims he's been harassed.

The ACLU filed suit against the City of Seattle on March 7 for locking down a "no-protest zone" during the World Trade Organization conference last year. Mayor Paul Schell, former Police Chief Norm Stanifer and two Seattle officers, Michael Jennings and S.D. Stevens, were named in the suit. In a related case, King County Sheriff's Deputy John Vanderwalker is being sued over the pepper-spraying of two art-school students during the WTO confrontations. Shauna Balaski and Melissa Benton claim they were innocently filming the demonstrations when Vanderwalker sprayed them.

NEVADA — Las Vegas officials are

Helping hands

Emeryville, Calif., police felt so badly about the tens of thousands of dollars in vandalism done to a first-time home-buyer's residence, they decided to turn out in mass this month to help clean up the mess.

Detectives are continuing to investigate the havoc wreaked on the house bought last November by 41-year-old **Frances Carty**. Vandals caused \$24,000 worth of damage, including cut gas lines, graffiti, broken doors and windows, and cement poured down the water main.

Carty, a self-described "tough New Yorker" who is not letting anybody scare her away, moved in the day after Christmas. "I went through the whole range of emotions that first night, sleeping in a room with obscenities and no heat," she told The San Francisco Chronicle. "I was overwhelmed. It should have been the happiest moment of my life, and it turned out to be the worst."

Holes were chopped in Carty's roof, her water and electricity lines were cut, and her sidewalk had to be dug up so that a new sewer line could be put in after somebody poured cement down the original one. She had roof tar and oil poured on her front porch and steps, and a sticky substance was put into her locks, rendering them useless.

Officer **Barbara Madarang** told Law Enforcement News that the department had answered at least eight calls from Carty and decided that "it might be something nice to do to get involved in the community." On March 4, the

department's 37 members, all part of the Emeryville Police Officers Association, volunteered their time to paint, haul away trash and scrub the home in four-hour shifts.

"A lot of us were on days off," said Madarang. "Guys that were working graveyard shift stayed over and did their four hours, the guys that were working swing shift came in six hours before that so they could go home and take a shower." The department worked from 7 A.M. to about 6 P.M., she said. Even Police Chief **Ken James** lent a hand.

Carty, a San Francisco office administrator, has hired a private investigator to find out who tried to destroy her house, but the leads have been few. Court documents show that the former owner of the house, who also lives on the street, lost the house in foreclosure proceedings. During the clean-up, Madarang said, he told the media that the effort was an inappropriate use of police time. "He doesn't realize we were all on our own time," said the officer.

The hot seat

Should his nomination be confirmed, **William Willett**, 68, will have even less time than other police commissioners to make changes that he and county officials contend are vital to controlling soaring budget overruns at the Nassau County, N.Y., Police Department.

Willett, a 46-year veteran of the force, would become Long Island's first black police commissioner. He was chosen by County Executive **Thomas Gulotta** to replace **Donald Kane**, who stepped down on March 23. Willett is also strongly endorsed by the Police Benevolent Association, the county's largest police union.

There could not be a worse time to take the reins, Willett admitted. The county is facing a \$100-million deficit this year, and nearly one-quarter of its \$2.2 billion budget goes toward maintaining the police force, whose 3,000 officers are among the highest paid in the country.

"I want Bill, when he assumes the helm...to streamline the department, to create greater efficiency, to cut costs, while maintaining the [county's] high level of security and safety," Gulotta told Newsday. Cuts, he said, should be made "with a scalpel," not a buzz saw.

Willett faces retirement in May of 2001 when he turns 70. Due to his age and the urgency of the county's fiscal crisis, Gulotta will critique Willett's performance in a year. At that point, he could seek a one-year extension from the Civil Service Commission, and continue to do so until Willett is 76, according to a spokesman for the state comptroller's office.

Willett said he would need time to see where the department's budget could be slimmed down. A firm believer in civilianization, he said turning some jobs over to paid civilian staff could solve many of the agency's problems. "We have to cut overtime costs, and I think we can do that. Salaries, fringes, that kind of thing I can't do anything about."

He also suggested that some officers on light duty may be asked to return to the streets or persuaded to retire. Willett also did not rule a possible

Strummin' on the old banjo

Country-music trio helps COPS help others

An autographed banjo donated by the country music trio the Dixie Chicks is being auctioned off online by the group Concerns of Police Survivors (COPS) in order to raise funds for programs to aid the families of officers killed in the line of duty.

The Dixie Chicks — **Natalie Maines**, **Martie Cadele** and **Emily Robison** — met with some of those friends and relatives after performing last May at the National Peace Officers' Memorial Day service in Washington, D.C., where they witnessed firsthand the grief inflicted on those who lose a loved one to line-of-duty death, said COPS.

The group's business manager, **Tommy Laird**, is the son of a retired Rochester, N.Y., police officer who now lives in Lake of the Ozarks, Mo., where the COPS national office is located. At the senior Laird's suggestion, the Gibson Epiphone banjo, the autographs and a Certificate of Authenticity from Monument Records were obtained and



Some successful bidder will take home this autographed Dixie Chicks banjo — while helping police survivors.

presented to COPS.

"We know that the Dixie Chicks are very popular and their music is universally accepted as one of the best sounds in Nashville today," said **Debbie Geary**, the national president of COPS.

The bidding will end at 8:00 A.M., Central Time, on May 1. To enter a bid, visit the COPS web site at www.webcharity.com and then click on the charities tab. In the human

services category, select Concerns of Police Survivors, then click on the fundraising auction in the current event box.

"COPS is honored to accept this donation and we hope Chicks fans will consider bidding on this personally-autographed banjo," said Geary. "They will get a collector's item while helping the surviving families of law enforcement officers."

was always one of my desires," he told The Post. "Leesburg provides a great place to work and a great place to raise a family. Leesburg is a community that is the essence of America. It has that small-town flavor."

Home grown

Community policing and a greater participation in the city's DARE program are two of the changes planned by Gloucester City, N.J.'s new police chief, **William Johnson Sr.**, as part of his departmental restructuring effort.

One of the department's most significant problems is communicating with civilians, said the 48-year-old Johnson. "It is important we work on communication and understanding the problems in the community," he told The Philadelphia Inquirer. The city's small size, just 2.2 square miles, means officers are often dealing with residents they have come into contact with before. "What's the alternative?" asked Johnson. "Locking people away?"

A 22-year veteran, Johnson succeeded retiring chief **Theodore Howarth** on March 2. Most of the agency's 27 officers, Johnson noted, were raised in the area. His own son, **William Jr.** is a rookie. Under the restructuring effort, a new second-in-command position was created for Lieut. **William James**. The modifications, said Johnson, will not only provide a clear chain of command, but a framework for improving community relations.

He said he plans to develop a community policing strategy, and work with the city's school superintendent to renew interest in the DARE program. The program became dormant at Gloucester City High School due to the lack of a teacher certified to run the program.

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Price is right

As the new chief of police in Leesburg, Va., **Joseph R. Price** took command March 1 of a department where tensions still run high nearly a year after town officials fired the former chief in a swirl of accusations and counter-accusations.

Price, 48, came from the Montgomery County, Md., Police Department where he served for 24 years. Before his unanimous appointment by the Leesburg Town Council in January, Price oversaw the Montgomery County department's Management Service Bureau, which included emergency communications, training, budget and finance, community outreach and technology and information systems.

Price succeeds former Leesburg chief **Keith A. Stiles**, who was fired last April after town officials said he was too quick to order internal investigations and that the turnover rate of the department was too high. Stiles, who

had been chief since 1995, maintained he was let go because he exposed possible misuse of the town's credit card by some officials. An investigation ended with the resignation of two officials, but no criminal charges.

A \$45,000 management study, concluded that the Leesburg department was "well managed" with a staff that provides a high level of service. While the report provided no statistics on the number of internal probes Stiles initiated during his four-year tenure, it noted that not one had been ordered since he left. The department took its own steps toward addressing the high turnover rate before the study by DMG-Maximus could begin, said the report.

Among the recommendations made were that some \$15,000 be earmarked in annual specialty pay for officers with advanced training, such as K-9 officers, school resource officers and bike patrol. Minimum pay for some positions, it said, should also be raised.

Price said that he plans to take advantage of the suggestion that crime trends could be better identified, noting that the department is in the process of upgrading its computers to help analyze that type of data. "If I have statistics that show me a neighborhood seems to be having crime problems between 3 and 6 A.M., if I put a cop there, I can fix that," he said.

Police Major **Mike McVeigh** said that "anxiety levels are a little high" as the department's 62-members prepare to meet their new chief. Aware of the situation, Price told The Washington Post that he planned to spend the first few months in his post "[doing] a lot of listening and looking." He said that he would work closely with McVeigh and other senior staff whose skill and expertise would be critical.

Price said he was excited about joining the department, which serves a population of roughly 26,000 in Loudoun County, some 30 miles northwest of the nation's capital. "To be chief

Shock 'em, stun 'em, spray 'em

Two incidents prompt expansion of San Diego officers' use-of-force options

Giving officers more use-of-force options is at the heart of a new initiative by the San Diego Police Department that includes deploying an array of non-lethal weapons to virtually all uniformed personnel and providing advanced training in how to avoid deadly confrontations.

Under a plan outlined in a memo by Chief David Bejarano, the department will provide air lasers and beanbag shotguns to every patrol officer. Also being evaluated is a weapon that fires pellets laced with pepper spray, and a hand-held device that can launch a net over a suspect from a distance of 5 to 25 feet. Bejarano's strategy also calls for the creation of a panel of lethal-force experts and community leaders to review the department's shooting policy, which allows police to fire to protect themselves or others from imminent harm.

"We should take steps now that would increase the probability that our officers will be able to defuse or otherwise handle a threatening situation with something less than deadly force," said Bejarano's memo, which was sent to City Manager Michael Uberuaga this month. A copy of the memo was obtained by The San Diego Union-Tribune.

While statistics show that San Diego police pulled the trigger 77 percent fewer times in the past decade, from 30 in 1990 to seven last year, Bejarano's proposed changes come in the wake of two controversial incidents during the past year. In the most recent, William Miller, a 42-year-old transient, was shot seven times on Feb. 8 after coming at officers with a three-foot tree branch. Since 1995, there have been 10 instances in which police fired on individuals wielding non-traditional weapons, including a wooden stake, a glue gun, a three-foot-long piece of metal stripping, a walking stick, and rocks and bottles.

Last July, former professional football player Demetrius DuBose, 28, was fatally shot by two Mission Beach patrol officers investigating a report of a burglary in progress. DuBose was hit 12 times, five in the back. Black leaders have questioned whether his death was race-related, although the victim was seen wrestling with police and taking away their nunchaku sticks.



The Air Taser, coming soon to the San Diego beat cops' arsenal.

live-round weapon, he told Law Enforcement News.

After that, officers will take a two-day course the department is currently developing, which will teach them about their "psychological and physiological reactions to unanticipated events," said Pfefferkorn. To help create the class the department has contacted a psychologist who has worked extensively with law enforcement in Southern California over the past 20 years.

"It will be talking about the state of mind of people who might be mentally ill," he told LEN, "or people who might be under the influence of a substance, or someone who might just be upset about an event in their life and what would be the best way for our officers to respond to that — knowing their state of mind, understand and reading and giving verbal and non-verbal clues."

District Attorney Paul Pfefferkorn found the officers justified in their use of deadly force because they felt their lives were in danger. No decision has yet been made on the Miller case.

According to Capt. Bruce Pfefferkorn, who is in charge of personnel and training, there will be several components to a training program that accompanies the new plan. During a one-day class, officers will be instructed on using the beanbag shotgun and the air taser. Until now, beanbag rounds were issued only to SWAT team members. But the department is planning to put one of the specialized, 12-gauge shotguns in each patrol car, marked in a way that will make it distinguishable from a

On the second day of the course, officers will engage in actual, physical scenario training, using what they have learned in the psychology class and the non-lethal options the department has provided.

In addition, the San Diego Police Department requires 40 hours of advanced training — 16 more than are called for by the state's Peace Officers Standards and Training board. During that time, officers will be trained on the department's new \$100,000 firearms training simulator, which creates an interactive video- and computer-generated environment to give them the experience of using firearms, batons, making impact strikes and dispersing pepper spray, among other actions, said Pfefferkorn.

"The last component we are working on that will start sometime in the next calendar year will be more ongoing training in the area of weaponless defense," he said. "Probably twice annually, for half a day, the officers will get training on that. The second half of the day will most likely be a reinforcement of what they're learning in the two-day course."

Deploying some 450 beanbag shotguns will cost an estimated \$300,000, according to Bejarano's memo. The chief did not estimate the cost of the additional training, but it could be significant. Some of the expense will be offset by state grants, with the rest coming out of the department's budget, said city officials.

While the training and weapon deployment comes as an obvious response to the recent police-involved shooting incidents, Pfefferkorn, a 26-year SDPD veteran, said the department is hopeful that by giving officers more options they will be able to use a lower level of force if the situation permits. "We're also arming them with more knowledge," he said. "They have received some psychological training, but this will bolster it even further."

The department had seven police-involved shootings last year, which Pfefferkorn called a low number when compared with other cities of San Diego's size. "I think it reflects that we are trying to be very responsive to the needs of the community and the needs of the officer."

Learning from mistakes?

County aims to avoid repeat of fatal SWAT mission

A mutual-aid agreement signed by sheriffs in Cobb and Paulding counties in Georgia is just one of the responses that local law enforcement officials have taken to improve the effectiveness of tactical initiatives, in the wake of a report that slammed the Cobb County Police Department for a rescue mission by its SWAT team last July that resulted in the deaths of two officers.

Although the sheriffs dismissed speculation as to their motives, the accord signed on Feb. 9 came one day after a review by the National Tactical Officers Association (NTOA) placed blame for the deaths of Sgt. Steve Reeves, 35, and Officer Stephen Gilner, 32, on a faulty strategy employed by the SWAT commander, Lieut. Steve Merrifield.

According to Ron McCarthy, a former assistant commander of the Los Angeles SWAT team and the author of NTOA's 125-page report, Merrifield used an undermanned force to attempt the rescue of Mildred G. Smith from the home where she was being held hostage by her mentally-ill son. McCarthy said Merrifield should have known that 12 officers were too few to conduct the raid with any reasonable expectation of success. The shortage of officers, McCarthy added, also made it more difficult to monitor the suspect before the SWAT team attempted its mission.

Gilner and Reeves were fatally wounded last July 23 when the SWAT team burst into the home of 40-year-old Greg Smith who had barricaded himself in the house after wounding another officer in an earlier confrontation.

Did an undermanned SWAT team or questionable tactics contribute to the deaths of two officers?

tion in his driveway. Smith fired on the officers with a shotgun as they entered the house through the kitchen. He was later killed by a sheriff's department sharpshooter. The 73-year-old hostage came out of the house unharmed.

A subsequent internal police investigation found that all proper procedures and policies had been followed during the 16-hour siege, and officers were cleared by a grand jury of any criminal wrongdoing.

In his report, however, McCarthy wrote: "Lieutenant Merrifield has an extensive career in SWAT. He has been an officer, sergeant, and team leader and now the commander of the team. Because Merrifield has had this experience and exposure to SWAT tactics, it is difficult to explain why he did not request additional personnel from some other team."

Merrifield, who is blind in one eye, was also criticized for making himself one of the eight members of the SWAT team that raided the house.

The lieutenant told The Atlanta Journal Constitution that he was stunned by the report and that McCarthy had committed a gross oversight in failing to ask why the team had decided on a specific set of tactics. "He may think all his job is to see what happened — when I would want to know why." Merrifield also disputed

the NTOA's notion that an expanded team should have entered the house from several points at once, which he said could have resulted in a circular firing squad.

"Manpower did not dictate that plan," said Merrifield. "You get a situation where there's 1,000 different tactics and 1,000 ways to do it. We picked a way. It's obvious that our way didn't work."

At the time of the incident, Merrifield said, working with another department's SWAT team was not an option. While the unit now plans to practice with neighboring agencies, it would have been dangerous to bring two unfamiliar SWAT teams together, he asserted.

Last month, Cobb County police officials decided that Merrifield needed to be reassigned so that the department could get past the incident, said Chief Lee New. Merrifield was transferred to the property crimes detective bureau on Feb. 27.

"The report was one of many pieces that led to this decision," the chief told The Journal Constitution. "I studied this whole thing very hard. I agonized over it more than anybody will ever realize. I want to put the matter behind the Cobb Police Department, behind the SWAT team, behind Lieutenant Merrifield. I wanted everybody to be able to get on

with their careers and get on with the business of policing Cobb County."

Merrifield will suffer no cut in pay or loss of rank, said County Commission Chairman Bill Byne, who noted that while he agreed with most of the report's recommendations, he disagreed with its contention that the decisions made that night were made solely by Merrifield.

Among the suggestions made in the report is that Cobb County form relationships with other SWAT teams in adjoining areas — a move that the NTOA has advocated since the Columbine High School tragedy in Colorado last year [See LEN, June 15, 1999]. What was truly unique about local law enforcement's response to that incident from a tactical standpoint was that it came as a multi-agency initiative. Larry Glick, the NTOA's executive director, told Law Enforcement News in an earlier interview. "This [was] fairly new to a lot of agencies. I see them coming together for training and looking at the overall command and control of large, multi-agency responses."

Glick told The Journal-Constitution that the joining of tactical forces among law enforcement agencies is inevitable. "Each sheriff, each chief out there says, 'I have my own piece of the pie. Why should I share it?' We need to break down traditional beliefs that we can do it ourselves," he said. "We do need help. We saw it at Cobb County and we saw it at Columbine."

Since the incident in July, the Cobb County Department — along with agencies throughout the metropolitan Atlanta area — has beefed up its SWAT

team from 12 members to 28, and plans to increase it further to the 35 officers recommended by the report. "If the report says we need to increase our manpower more so, we'll take that under consideration," said James D. Arrowood, director of public safety.

In Gwinnett County, the SWAT team has already been expanded from 35 members to 70. A statewide tactical unit comprising members of the Georgia Bureau of Investigation and the State Highway Patrol will also be doubled in size to 70 members.

While many departments have a backup agreement with neighboring agencies, Cobb County Sheriff Bill Hutson said the agreement he signed with Paulding Sheriff Bruce Harris will give the agencies a larger, more flexible team. Under the more formal accord, the agencies will train together and back each other up in case of emergencies. "We have a competent, qualified, 16-member team, but we can turn that very quickly into a 30-person team by pooling our personnel resources," said Hutson.

The Cobb County Police Department also hopes to add a used armored personnel carrier from Clayton County that needs to be refurbished and painted. "Unfortunately, we're running into more instances where someone is willing to fire upon our police officers," said Arrowood. "Maybe someone inside a home will be shooting. Officers will be standing behind trees. That doesn't offer you much protection. This would allow us to rescue people without being exposed up until the time they go to the residence."

As a problem evolves, so does task force

Under a project that transmuted from one originally aimed at tracking down a possible serial killer, police in Charlotte-Mecklenburg, N.C., are encouraging prostitutes to take advantage of a multi-agency effort aimed at getting them the proper treatment and counseling necessary to change their life style.

Deputy Chief Larry Snider said the project began last year when the department, fearing the presence of a serial killer, formed a task force to investigate the disappearances of six prostitutes within an 18-month period. As it turned out, five of the women had been

murdered and one remained a missing person. The squad was disbanded, however, when it appeared that the deaths were not the work of a single individual.

But in the course of the investigation, the department had established a rapport with the prostitutes that it did not want to see go to waste, said Det. Dennis Simmons, a vice investigator who has become the program's point man.

"Rather than approaching the girls in the street in an adversary-type setting, we would just approach them, tell them who we are right up front and try to get an idea of some of the customers

— who they were, strange ones they might have had, maybe profile someone who might be responsible for some of the disappearances," he said in an interview with Law Enforcement News.

That strategy, coupled with the department's goal of forming problem-solving partnerships, led to the creation of the program, said Snider. The department brought together a group of social service providers from within Mecklenburg County that provide treatment and intervention for substance abusers. "We asked them what they thought about us trying to take a look at the continuum of care for addiction

and see if we could help these girls who were addicted to crack cocaine and also out on the street prostituting and subjecting themselves to violence," Snider told LEN.

Catalyzed by a grant of \$25,000 from the state's Alcohol Beverage Control board, the department was able to provide space for some women at Hope Haven, an in-patient rehabilitation center. In addition, Simmons said the department is developing a wellness program with a nutritionist who will go into the county jail and teach the women basic nutrition. "We noticed that when the girls were incarcerated, they would bulk up and get to looking better, then they would hit the streets and in a short time, they'd go downhill."

Alice Harrison, Hope Haven's executive director, praised the department for reaching out to a population which, she said, is certainly in need of aid. "This is a really great way for them to be approached and get help without having to get in so much trouble, and hopefully before they've contacted deadly diseases," Harrison told LEN. "It is also a way for them to come through our continuum to the point

where they get vocational training, they're able to get their kids back and learn parenting skills they may not have had in the past."

A partnership has also been formed with a local methadone clinic, said Simmons, with police officers and clinic staff touring each other's facilities and jointly teaching classes in substance-abuse prevention. The department has also had its research, planning and analysis staff map out by location the different agencies and the populations they serve so that patrol officers can easily access the data on their computers. Said Simmons: "An officer out in the field who comes across a lady can say, 'Well, you have one child, no insurance, and you're cocaine addicted.' You go down the list, and say, 'This program is the best for you.'"

So far, only a few prostitutes have been persuaded to enter rehabilitation at the suggestion of police. Some stayed a few weeks, said Snider, others got sober and then returned to drugs once they were back out on the street. "What we try to do is learn about the recovery process and what we can do to get people into it."

Board of Inquiry report finds a lot not to like in LAPD Rampart scandal

Continued from Page 1

closely with the Rampart scandal — David Mack, Rafael Perez, Brian Hewitt and Ethan Cohan — all had histories of violent behavior and narcotics involvement that should have precluded their being hired as police officers, according to the report. Indeed, the department recommended that three of the officers not be hired, but they were cleared by the city's Personnel Department, which holds sole power for disqualifying candidates.

The report says it would be tempting to conclude that these hiring failures were remedied years ago through reforms established after the publication in 1991 of the independent Christopher Commission report, but that would not explain the fourth officer, who joined the department three years later despite having sold narcotics as a juvenile and involvement in a vehicle tampering incident.

The Rampart scandal broke in September 1999 after Officer Raphael Perez, who had been charged with stealing three kilograms of cocaine from the department's property division, sought a lighter sentence by offering to provide evidence of criminal wrongdoing of stunning proportion committed by himself and his colleagues in the CRASH squad.

Among the tales he told investigators were that he and his partner shot and paralyzed an unarmed gang member in 1996, then threw down a semi-automatic weapon and claimed the suspect had tried to shoot them during a stakeout. Perez also said he and another partner, Mack, shot an alleged drug dealer who witnesses claim was unarmed.

Mack, who had a close friendship with Perez, is currently serving a 14-year prison sentence for robbing a Los Angeles Bank of America branch of \$772,000 in 1997.

Hewitt and Cohan, the two other officers profiled in the report, were terminated after a Board of Rights hearing last fall. In 1998, Hewitt falsely imprisoned and beat a handcuffed arrestee at the Rampart substation until the suspect vomited blood. Cohan was present and acquiesced, said the report.

The report blames a "multifaceted system with competing interests" for what it calls an "erosion" in LAPD hiring practices. "While it is impossible to substantiate completely, it appears that the application of our hiring standards was compromised when these officers were hired during the periods

of accelerated hiring in the late 1980s and early 1990s."

Other recommendations concerning the testing and screening of officer candidates include asking the California Commission on Peace Officer Standards and Training (POST) to convene a statewide task force to examine psychological testing of applicants. The services of retired officers, the report suggests, should be utilized as "occasional contract investigators" to ensure that a thorough in-person background

The LAPD and the city's Personnel Department have different views on whether prior drug use and histories of violence should disqualify a candidate.

investigation is conducted.

The board members also recommended that psychologists conducting future evaluations retain all their notes in a candidate's file. It was surprising to learn, they wrote, that psychologists with the Personnel Department routinely destroyed the notes they took during a screening interview. "This practice is inconsistent with the Records Retention Schedule established for such documents and seriously hampered the Board's ability to review the thought process involved in hiring several of the profiled officers," said the report.

Also, the LAPD and the Personnel Department need to come to an agreement on a common understanding and interpretation of the current guidelines for candidate deselection, the report said. Three of the profiled officers were hired despite objections by police officials that they be disqualified due to prior drug use and histories of violence. The personnel department, however, found the grounds for their deselection to be insufficient. "Obviously, the two departments see the standards very differently, a difference which simply must

be resolved," said the report. Moreover, current disqualification standards need to be revised so as to allow candidates whose past conduct clearly shows them to be unsuited for police work to be deselected, the board said.

Ultimately, the chief of police should be responsible for determining the eligibility of applicants and selecting the best officer candidates, it said.

In examining the department's personnel investigations and risk management practices, the board found clear patterns of misconduct that went undetected, and nowhere was this more apparent than in the area of complaints made to the department by the community served by the Rampart Division.

According to the report, some supervisors failed to take seriously the allegations they were assigned to investigate. There was also a failure on the part of management to recognize warning signs in officer behavior and correct that behavior. "Many of the complaints involved serious allegations that should have been handled by Internal Affairs Group rather than divisional supervisors," the report noted.

Among the board's recommendations in this area were that state laws be changed to allow the examination of the financial records of officers assigned to a sensitive detail or who seem to be living beyond their means. Restricting access to this critical information only serves to "facilitate corrupt activities," said the report.

The board also suggested that IAG be expanded and that the practice of allowing officers to apply for the division should be eliminated. All complaints except for the most minor should be investigated. "The investigations conducted by IAG are among our most sensitive and certainly most complex investigations," the report said. "But without sufficient investigative resources and people who have the investigative skills to do the job, it is difficult to meet this tremendous challenge."

Deploying detectives to this branch of the department has been a failure, the report said, because IAG has been unable to attract the most experienced investigators. Instead, the report recommended that IAG be allowed to handpick its personnel. After completing an assignment with the unit, detectives should be given a preference as to where they go next, it said.

[The entire Board of Inquiry report is available on the LAPD's web site, www.lapdonline.org.]

Despite lingering problems, NYPD lab wins accreditation

Despite being plagued by problems with its evidence-tracking system and drug-identification procedures, the New York City Police Department's \$33-million crime laboratory was awarded national accreditation in February.

Under a 1994 state law, all public forensic labs must be accredited, with those that fail to make the cut facing fines of \$7,500 and possible closure. During a review last year by the laboratory accreditation board of the American Society of Crime Lab Directors, chemists at the NYPD's 85,000-square-foot facility were found to have made "technical errors" in about 3,300 cases they had handled.

The department's \$500,000 computerized evidence-tracking system, known as Trace Link, was also cited by the panel. Accreditation assessors said they were not overly concerned with the problem-prone system, although it had forced the agency to continue to rely on paper records.

The chairman of the accreditation board, Anthony Longhetti, an associate professor of criminal justice at California State University-Los Angeles, said the organization divides its criteria into three categories — essential, important and desirable. The essential criteria, he told Law Enforcement News, include those that directly affect the performance of a lab, such as whether the facility monitors the testimony of its personnel in court, and whether it tests the proficiency of each of its analysts.

When a lab applies for accreditation, Longhetti said, a team of inspectors is assembled to make on-site visits, review case files, interview personnel and make sure the facilities are using the proper reagents and calibrations.

"If they don't meet all the essential criteria the first time around when the board first reviews the inspection re-

port," said Longhetti, "they are usually given a minimum of 90 days in order to meet the deficiencies. Then the next time around, assuming the lab has been re-inspected, [the board] reconsiders the application."

After the initial 90 days, laboratories are given extensions of up to a year. Accreditation is awarded for five years, at which times labs have to reapply. Each year, some 30 to 40 public forensic labs are granted accreditation, Longhetti said.

In the case of the NYPD facility, which houses the department's crime scene unit, ballistics lab and other labs for testing narcotics, fingerprint and forensic evidence, inspectors conducted a review from Oct. 17 through Oct. 22, 1999. The lab received several extensions until it was found in compliance.

That is far from unusual, however, said Longhetti. Less than 10 percent of labs the group reviews pass on the first try, he said. After accreditation is given, the lab must continue to submit annual inspection reports to indicate what functions they have or have not completed, and what deficiencies they may have developed in the meantime. In addition, the lab is required to test the proficiency of each individual and each discipline as a form of monitoring.

The most common problems, said Longhetti, tend to be issues involving evidence security, such as "the sealing of evidence and making sure notes are proper and not erased or whited-out."

Still, Longhetti believes that the nation's forensics labs are generally up to par. "I would say most of them are doing excellent work and I think the accreditation program, and a separate certification program, is pretty viable. Between the two of them, the accreditation and certification have developed the overall delivery of forensic science services."

Louisville dumps its chief, may get review panel

Louisville, Ky., Police Chief Gene Sherrard's decision this month to honor two officers involved in the shooting of an unarmed black suspect not only brought about his dismissal, but may also have been a key factor in the decision by the city's Board of Aldermen to move forward with an ordinance establishing a civilian review panel, a proposal that was thought to have little chance of passage before the awards ceremony.

Sherrard was fired by Mayor Dave Armstrong on March 1, one day after a banquet in which Officers Chris Horn and Paul Kinkade were given the Exceptional Valor Award. Armstrong said he fired the chief because in approving the awards he had violated the mayor's trust and that of the community.

"Chief Sherrard, by his own admission, failed to understand the sentiment of the community about this case," Armstrong told The Louisville Courier-Journal. Although he knew about the awards for a month prior to the ceremony, Sherrard apparently failed to notify the mayor until the week of the event. The Chief's termination, said Armstrong, was irreversible.

"It's really very simple," said the mayor. "I hired a chief, I fired a chief. I'm going to run this department and I'm going to get a chief to run it the way I want."

The ouster of the 46-year-old chief

prompted an unprecedented outpouring of support for him from the department's sworn personnel. The department's entire command staff resigned their appointments, saying they would return to their civil-service positions, and more than 600 officers and supporters followed Sherrard in a march on City Hall to demand Armstrong's resignation.

There have been other effects, as well. The number of arrests dropped by more than half following Sherrard's dismissal, from 317 during the first week of March last year to 142 during the same period in 2000. Armstrong's action may also force the city to seek an outsider to lead the department. At this point, those insiders who could be candidates for Sherrard's post said they would not consider taking the position.

What may prove the most consequential for the department, however, is that a proposal under consideration by the Louisville Board of Aldermen to create a civilian review board, which was considered doomed before the awards-ceremony incident, may now have the will of the majority. Board president Steve Magre said the turning point for him and other aldermen was the banquet, which some contend showed a lack of sensitivity on the part of the department. "People are beginning to see the need to have independent oversight of the police," said Alderman Denise Bentley, co-chairwoman of the board committee

reviewing the issue.

On May 13, 1999, officers Horn and Kinkade fired 22 shots at 18-year-old Oesmond Rudolph, a suspected car thief they found behind the wheel of a stolen Chevrolet Blazer in an alley. The vehicle was stuck, and Rudolph was revving the engine to get it started when the police fired. Horn and Kinkade, both of whom are white, said they feared Rudolph was going to run them down.

The shooting sparked protests from civil-rights activists, who called for a civilian review board to monitor complaints against police. Although a grand jury cleared the officers, Col. Ron Ricucci, the city's public safety director, issued a report in February finding fault with police actions both before and after the shooting. Ricucci, however, did agree with the grand jury's findings that the officers acted in a "lawful and proper manner."

The honors, said Alderman Tina Ward-Pugh, was what "probably pushed me over the edge," she told The Courier-Journal, in favor of greater civilian oversight of the department. Magre said he expected the aldermen to approve some version of a civilian review panel within 60 days. Under a

compromise he plans to introduce, five members of the committee would be joined by one alderman, and two people chosen by the board to create an eight-member panel. The committee would not have subpoena power, but would have its own independent investigator to look into any case involving alleged police misconduct that had already been probed by the LPO's internal affairs office.

Armstrong's actions have infuriated the city's Fraternal Order of Police, which said the mayor was committing political suicide by alienating the department. Armstrong won the union's strong endorsement as mayoral candidate in 1998, and FOP president Rick McCubbin recalled: "The FOP and the mayor's office has had a great relationship since he took office."

Under Armstrong, McCubbin told The Courier-Journal, the FOP was awarded the "best contract in history." And many officers approved when Armstrong selected Sherrard, a former homicide commander with 23 years on the force, to succeed former chief Doug Hamilton.

In the interim, Deputy Chief Col. Greg Smith will assume command of the department. As head of the

department's homicide division, he oversaw the investigation into the death of Jefferson Jail inmate Adrian Reynolds in 1998. A corrections officer, Timothy Barnes, was indicted on a murder charge and is awaiting trial. Shortly after being named chief, Sherrard tapped Smith to be his second-in-command.

Smith was picked by the mayor to fill in even though he was one of the nine commanding officers who resigned their appointed positions after the chief's dismissal. Under Armstrong's orders, however, the resignations will not become effective for 30 days.

All of the top officers, including Smith, have made a pact that they would not apply for the vacancy out of respect for Sherrard. Smith, however, has the backing of his fellow commanders. He is an excellent officer and perceived as an excellent person," said Det. Mike Halbleib. "Everyone respects him."

Armstrong, who is under no deadline to appoint a new chief, said that it is still too early to know if the city will seek outside applicants. He said he believes there are Louisville officers who will seek the position.

Eye on better response time, Omaha scraps its gang unit

An overall improvement in the performance of the Omaha Police Department — particularly its response time to priority calls — is behind a reorganization of the agency that took effect in March.

The changes are being made in response to concerns about the agency's response to Priority 1 calls, which deal with life-threatening situations. In 1998, it took an average of 7½ minutes for officers to arrive on the scene after a top-priority emergency call was made to 911. By last November, that time had been shaved to 5 minutes and 27 seconds. The department's goal, said Sgt. Oan Cisar, an agency spokesman, is to bring response time to "well below five minutes."

Among the changes ordered by Chief Oan Carey was the dismantling last month of the agency's Metro Unit, an anti-gang and narcotics squad created last spring by a merger of the gang and Weed-and-Seed units. Ten of the squad's 22 officers will be reassigned to beat patrol, and the rest deployed to a variety of teams aimed at suppressing narcotics, prostitution and gang activity.

"Before they were in plainclothes and they really couldn't respond to 911 calls," Cisar told Law Enforcement News. "Now that's different. We have 10 more bodies. The key is, they are supposed to be doing the same thing they did before — making contact with citizens, developing gang information, things like that. So that's a double bonus for us."

Community groups, however, have made no secret of their disappointment in Carey's decision to break up the unit. Alberto Gonzales, a gang-prevention counselor in south Omaha, said more time, not less, should be devoted to the area graffiti and gang problem.

But Carey tried to reassure the community, saying that the department has

not stepped back from its commitment to suppress gang activity, and that precinct captains will meet with neighborhood leaders to explain the reorganization plans.

"We're giving more control to our beat officers who work the area every day," he told The Omaha World-Herald. "We are very confident this will work, and we will continue to look for ways to improve public safety."

In addition to reassigning members of the Metro Unit, changes will also be made in the duties of the department's homicide detectives. After March 5, when the reorganization takes effect, the homicide unit will no longer handle non-life threatening assaults. The plan will allow them to put more work into cold cases. Last year, one-quarter of the city's 36 homicides went unsolved, and police officials estimate that there are about 100 inactive cases, some of them dozens of years old.

Taking over the assault cases will be the department's robbery unit, whose members will be cross-trained to handle non-life-threatening shootings and cuttings. Detectives will also be expected to assist their colleagues in homicide with murder investigations, as needed, Cisar told The World-Herald. Homicide detectives, who will continue to investigate assaults in which the victim dies, will also be responsible for missing adult cases.

Both units will be placed under the

supervision of one lieutenant, David Oaley. The current head of the robbery unit, Lieut. John Farmer, will be reassigned.

Another component of the reorganization will be the redistricting of the city to make its patrol jurisdictions smaller and easier for officers to cover. Four new districts will be added, for a total of 71 districts, with one officer assigned to each district per shift. Omaha's growth and recent annexations have contributed to both an increase in response time and workload, said Cisar. Thirty-two additional street officers have been added to the department's 351 patrol officers and will patrol the city's northeast, southeast and northwest precincts.

All 911 calls will be monitored by the department's shift commanders — a procedure first implemented on New Year's Eve as part of the department's Y2K preparations, he told LEN.

"In their offices, shift commanders can link up with our 911 center and monitor what 911 is monitoring," Cisar said. "We can see calls holding, what cars are available, how long it's taking for an officer to be filing a report or conducting an accident investigation. That command officer will now have the authority to say, 'Wait a minute, we've got more important calls coming in. I want to divert some of my people who are doing other things to handle these incoming calls.'

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A front-line drug warrior calls for peace

By Sylvester L. Salcedo

I served on the front lines of the war on drugs. As a lieutenant commander in the U.S. Navy, I served as an intelligence officer with Joint Task Force 6, which provides training support to drug enforcement agencies. From October 1996 to April 1999, I worked in New York, Miami and San Juan, P.R., with various federal, state and local law enforcement groups in the war on drugs. Now, following the conclusion of this tour of duty and my military career, I've concluded that we must replace the war on drugs with a realistic drug-control plan.

This conclusion is reinforced by my work as a Spanish teacher in Roxbury, Mass. — a low-income, drug-riddled section of Boston — where I saw drug abuse among our kids and witnessed the deleterious effects of our domestic drug war.

The leaders of our national drug war say their goal is a "Drug-free America," but three decades of the drug war have proven that goal to be unrealistic. Our strategy must be replaced. Pursuing an unrealistic goal has resulted in insufficient funding for effective programs, like making treatment available on request and providing after-school programs for our children. Meanwhile, we waste tax dollars on ineffective, expensive and dangerous programs like the massive imprisonment of drug users and the exorbitant military aid package to Colombia. Today we have more prisoners per capita than any other country, and Colombia receives more U.S. military aid than any other country in Latin America.

The Clinton Administration's plans to move even deeper into the Colombian quagmire have caused me to speak out. Last year, I received a Navy Achievement Medal for my military service in the drug war. This February, I returned the medal to President Clinton to protest his proposed \$1.6-billion special appropriation that, under the guise of fighting drugs, will dramatically escalate U.S. military involvement in Colombia's civil war.

Increased U.S. military aid to Colombia will

(Sylvester L. Salcedo retired from the U.S. Navy in 1999 at the rank of lieutenant commander. He served as intelligence officer with Joint Task Force 6, the military's primary domestic organization responsible for anti-drug activities.)

More than 80 percent of the funds for Colombia will be spent on militarized approaches to combating a problem that is fundamentally political and economic in nature.

only not expand the civil war there, but will also derail the Colombian peace process. Colombians are exhausted and dispirited after more than 40 years of civil strife. In recent months, Colombians by the tens of thousands have taken to the streets in huge national marches calling for peace. Representatives of the insurgents and government negotiators recently returned from a watershed 25-day tour of Western European social democracies where they explored peace.

The U.S. aid package, heavily tilted toward the military, will undermine the peace process by escalating the war. More than 80 percent of the funds destined for Colombia will be spent on helicopters and other militarized approaches to combating a problem that is fundamentally political and economic in nature. Moreover, the Colombian military is profoundly ineffective and tied to right-wing paramilitary forces identified as human rights abusers and drug traffickers. Accordingly, the U.S. aid package is a recipe for more lawless-

ness and military failure on the battlefield. With this down payment, we are about to be drawn more deeply into Colombia's 40-year civil war.

Truly, the best way to help Colombia is to reduce the demand for illicit drugs in the United States, not to send that country more military hardware. Instead, I propose a "Plan USA" to provide treatment on request for our hard-core drug addict population, which now exceeds five million people. The RAND Corporation has found that treatment is 10 times more cost-effective than interdiction in reducing the use of cocaine. Plan USA would also discourage drug use by adolescents by providing full funding of after-school and mentor programs. In addition, Plan USA would move to reintegrate nearly 500,000 prisoners jailed for nonviolent drug charges back to their families and our communities, where they can work, pay taxes and care for their children.

With focused goals — fewer deaths from drugs, less adolescent drug use, less disease and

less crime from drug abuse — we can create a strategy of control. We can achieve a safer and healthier America that is no longer at war with itself. These are not utopian platitudes but realistic, achievable goals. Indeed, other countries are more successfully controlling drug abuse through public health approaches.

Thirty years ago, President Nixon declared the "war on drugs." But today more illegal drugs, at cheaper prices and higher purity, are flooding into our country. Everyone knows we are not winning the drug war — and the real reason is that the strategy itself is wrong. It is time to admit failure and end the war on drugs. A first step should be for Congress to say "no" to the emergency supplemental Colombian military aid package. Instead, take that \$1.6 billion and invest it to support the peace plan in Colombia and to provide treatment and prevention programs here at home. America also desperately needs peace, for our families and our communities.

A visit to the blue wall

By Raymond Manus

I have heard so much about the impregnable "blue wall of silence" that I decided to visit it myself. Finding it was easy enough; I had only to ask a few people and they gleefully pointed it out to me.

It turns out the wall, under certain lighting conditions, may appear blue, and it certainly is silent. It resisted all my attempts to strike up a casual conversation. I was unimpressed, but since I was here anyway, I took the opportunity to ex-

amine the wall further.

When I stepped back to get a better look, I realized the wall was part of a larger structure that served a legitimate purpose. There were a number of entrances into the structure: one for the general public, one for the press, one for legitimate business and one for employees, each having different levels of access. Public access was limited to selected areas and a pass was required to go beyond the public area. The press, with proper credentials, had greater access but they were not to interfere with the ordinary business of the organization. Those with proper authorization were admitted and the organization addressed their needs. Employees generally went directly to their work areas without undue delay. No one in-

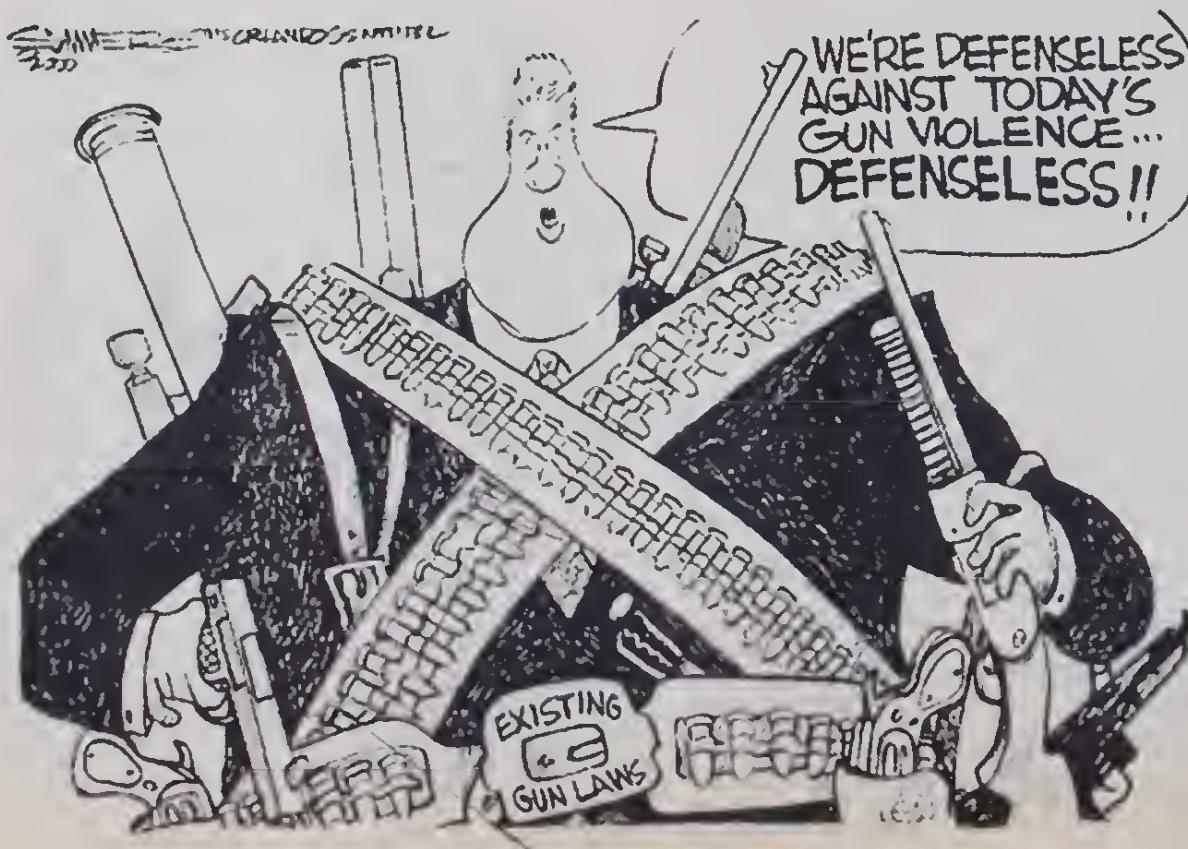
side the structure gave a second glance at the wall. Once again, I was not impressed.

As I left the building, I noticed a group of people gathered and shouting obscenities at the wall. They seemed to want to expose some truth, and they came to the wall and demanded admission, armed with accusations, idle gossip or unsubstantiated rumors. Standing behind the frustrated crowd were a number of well dressed individuals, a mix of lobbyists, special interest representatives and public officials, who encouraged the crowd to rant and focus their attention at the wall. These officials had no intention of finding the truth; they simply needed a diversion, some kind of plausible deniability to cover their own ineptitude. I took yet another glance at the wall and saw that it had indeed turned blue. I was impressed.

Thirty years ago, the Knapp Commission was charged with finding a limited amount of truth and directed to "...Investigate Allegations of Police Corruption and the City's Anti-Corruption Procedures." Michael Armstrong, the commission's chief counsel, acknowledged that the panel had neither the legal authority nor the resources to go beyond Mayor John V. Lindsay's Executive Order No. 11, dated May 21, 1970. When the commission members confronted the Blue Wall of Silence, they looked at its foundation:

"Two principal characteristics emerge from this group loyalty: suspicion and hostility directed at any outside interference with the Department and an intense desire to be proud of the Department. This mixture of hostility and pride has created what the Commission has found to be the most serious roadblock to a rational attack upon police corruption."

Continued on Page 10



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Belated Y2K glitch may mean return to pen & paper records

Problems with a new Y2K-compliant computer linkup that connects DeKalb County, Georgia's jail to its courthouse have been compounded by the refusal of the Public Defender's office and other officials to allow county computer managers' complete control of the system.

Until the problem is solved properly, officials say they have a contingency plan worked out: It involves pen and paper instead of a mouse and monitor.

The trouble began last fall when the contractor hired to upgrade the jail's computer system was fired and work on the new system was delayed. In the meantime, the old system had to be scrapped because it was not Y2K-compliant. There have been mounting problems since December, clerks complain, saying they cannot print documents, find criminal histories or keep electronic court calendars. In some cases, subpoenas have had to be drafted by hand and public defenders have had to search manually for names to match case files, driving to the courthouse in Decatur or the jail near Stone Mountain to find records once obtainable by computer.

In January, a Clarkston man accused of murdering his wife and daughter and injuring another daughter was nearly let out on bond because the DeKalb County district attorney's office did not

learn he was in custody until 32 days later. Under state law, any inmate held 90 days without being indicted is automatically entitled to release on "reasonable" bail. The only reason the defendant, Asif Ahmadi, did not make the deadline was because an aide discovered his arrest report among hundreds of other such documents.

County officials say they are so far unaware of any inmates being released from jail who were not supposed to be, but Public Defender Lawrence Schneider told The Atlanta Journal-Constitution that some inmates are being held longer than necessary because of problems in keeping track of them.

Oscar Ascencio, 26, a fence-builder from Doraville, languished in jail for more than four months on charges of drunken driving without insurance or a license. Court officials apparently lost track of Ascencio when he was jailed on Sept. 8 and arresting officers misspelled his name. He was released on Jan. 14 with time served and a \$455 fine after a public defender's aide found his name on a list of inmates.

"The fact is, we don't know who's in there," conceded DeKalb District Attorney J. Tom Morgan, whose staff is being paid overtime to manually search records previously done by computer. Morgan told The Journal-Constitution he is concerned that a dangerous

suspect who might otherwise be denied bond will inadvertently be released because he makes the 90-day deadline while sitting unnoticed in jail.

A technical solution was expected by the end of February, but another situation will still have to be resolved. Officials are unwilling to relinquish control of the system to county computer managers, who would then have the ability to access confidential files kept by the courts and the public defender's office.

The County Commission planned a Feb. 24 meeting with various court officials to discuss their complaints. Bill Hilton, the county's information systems director, insisted that fears about confidentiality are misplaced. "We really don't have any interest at all in their files," he told The Journal-Constitution.

Hilton said he is aiming for a unified network of system software and the ability to access satellite computers remotely as much as possible for repairs. He is willing, he said, to create a system that would block anyone, including computer staff, from accessing the files of another agency.

But Public Defender Schneider said he is unwilling to link up if it means yielding control of his defendant files. The State Bar of Georgia and the Georgia Indigent Defense Council reportedly support his position.

The tough get even tougher, as California targets juvenile justice

While supporters of a California ballot initiative that makes sweeping changes in the state's juvenile justice system have hailed its passage this month as a victory for law enforcement and victims' rights, opponents claim the package of laws will prove overwhelmingly expensive and force into the criminal justice system thousands of young, nonviolent offenders.

Proposition 21, the Gang Violence and Juvenile Crime Prevention Act of 1998, was approved by 62 percent of voters on March 7 and is the latest tough-on-crime measure to come out of California, where in 1994 voters passed the three-strikes law that mandates a minimum sentence of 25 years to life for a third felony conviction.

Former Gov. Pete Wilson, who sponsored the three-strikes law, also sponsored Proposition 21.

The new initiative, considered to represent the most radical overhaul of the state's juvenile justice system since its creation more than a century ago, will, among other changes, fundamentally shift the balance of power away from judges and toward prosecutors in deciding whether teenagers as young as 14 may be tried as adults. The measure, Wilson told The New York Times, will "retake California neighborhoods, schools and businesses from vicious street gangs who for too long have hidden behind a lenient and outdated juvenile justice system."

Other reforms under Proposition 21 include an expansion of penalties so that teenagers 14 and over who are convicted of felonies automatically serve their time in adult prisons. It also mandates a six-month sentence for gang members and former gang members who are arrested for offenses like truancy and underage drinking; allows the

release of names of juvenile suspects even before they are formally charged with a crime; requires gang members to register with local law enforcement agencies, and makes a felony any act of vandalism resulting in more than \$400 worth of damage.

"When we created the juvenile justice system it was for truants and kids who got in trouble for stealing bikes," said Grover Trask, the district attorney for Riverside County and president of the California District Attorneys Association, which backed Proposition 21. Although just 2,000 of the 76,000 juvenile arrests in California last year were for violent offenses, Trask said the overall trend is still disturbing.

"Over the last decade, with the resurgence of the gangs that we've seen and an increase in guns and violence — I mean, carjacking wasn't even part of our nomenclature until recently — we've spent tremendous resources in the juvenile system trying to figure out what to do with these offenders," he told The Times.

The legislation also had the support of Gov. Gray Davis, sheriffs' organizations, victims' rights groups and virtually every district attorney in the state, who say the initiative is aimed at the small percentage of violent predatory criminals who happen to be youths.

Giving prosecutors the power to decide who will be tried as adults will streamline the system, said Trask, saving resources which can then be returned to the juvenile justice system for intervention programs.

But opponents, including some judges and youth advocacy and juvenile justice research organizations, dispute that contention. The initiative will cost billions to implement, they maintain, leaving little funding for other

options.

According to the San Francisco-based National Council on Crime and Delinquency, Proposition 21 will cost more than \$1.3 billion in prison construction and \$600 million in annual expenses. The state's legislative analyst places the price tag at \$1 billion in construction and \$300 million in implementation costs.

Barry Krisberg, the council's president, said it was as if the state had taken everything found not to work and had put it together into one package.

"Studies have shown repeatedly that trying juveniles as adults increases recidivism," he told The Times. "These studies have been done in Florida, New Jersey, Utah, Minnesota, so there's a body of knowledge out there pointing out that this is not the way to go."

There has never been a study, said Krisberg, that shows a positive result from trying teenagers as adults.

Programs that do work are those dealing with intervention, public education, drug rehabilitation and child care as a means of deterring juvenile delinquency, according to the findings of the Task Force on Juvenile Crime and the Juvenile Justice Response, a bipartisan commission convened in 1995 by the state Legislature.

The consequences for juveniles jailed with adults are dire, according to critics. Citing a Columbia University study, Kathryn Dressler, senior policy advocate at the Children's Advocacy Institute at the University of San Diego, said that teenagers are five times as likely to be raped, twice as likely to be beaten and eight times as likely to commit suicide than adults in the adult prison system. "There is no support for this measure from people who actually understand this," she told The Times.

Conn. police get more than they bargained for

Lots of firearms may be seized under new law

When state lawmakers passed a controversial bill last year giving Connecticut's law enforcement officers the power to seize the firearms of those deemed to be threats to themselves or others, officials did not count on such a large number of residents falling under that description.

Since the law took effect last Oct. 1, it has been used by police to take away a submachine gun and 10 other firearms from a Greenwich man accused of answering the door to a neighbor with a gun at his side. In West Hartford, handguns and a military rifle was seized from a Korean War veteran who was said to suffer from combat flashbacks. Police there also took away the handguns of a man depressed over the hospitalization of his mother.

Rocky Hill police took rifles, a shotgun and a handgun from a man who they say threatened to kill his wife if she divorced him. Police in Farmington and Newington, as well as the State Police, have also seized firearms.

Connecticut lawmakers who had believed the legislation would result in just a handful of actions a year have been taken aback. The number and type of cases suggest a far greater threat of violence than even State Representative Michael P. Lawlor had envisioned.

"It does surprise me," Lawlor, an East Haven Democrat who is one of the architects of the bill, told The New York Times. "I thought it would only come up two to three times a year. I have read some of the affidavits. From reading them, it is clear that police are confronted with these kinds of disturbing situations more frequently than I thought."

Under the law, police are required to investigate reports that a gun owner has brandished a weapon, made threats or indicated a danger to himself or others. An officer must first ask the owner to turn in his weapon, but if he refuses, a judge can issue a search-and-seizure warrant. Acts of violence, cruelty to animals and any previous commitment to a psychiatric hospital may all be considered by the judge. The guns may be held for up to a year if prosecutors can establish at a court hearing held within 14 days that the person continues to pose a threat.

In three of the seven known cases, such orders were issued; one was denied on technical grounds.

Challenges to the other seizures have yet to be decided.

Proponents of the law argued that had the legislation been on the books in 1998, it might have prevented Matthew Beck, an account at the state lottery commission's office in Newington, from going on a rampage that left five people dead. Beck brought a gun to work and hunted down four supervisors before killing himself. He had made threats for weeks before the incident.

Said Lawlor in USA Today: "There's a simple reason for this kind of legislation: In our society, there are individuals who snap and end up killing people."

Law enforcement officials call the legislation an important tool for saving lives. Before the law was passed, guns could only be seized if an owner were arrested or committed to a mental institution. West Hartford Police Chief James Strillaci said that in many cases, officers would confiscate firearms anyway. "We'd just stick our necks out, but we could only keep the guns for a few days," he told USA Today. "This law allows us to step in before it's too late."

Strillaci added. "Whoever predicted it would only be used a few times a year underestimated the number of people who are emotionally disturbed, mentally impaired or substance abusers and who own firearms."

The National Rifle Association has not taken a position on the law, and not all gun owners are opposed to it. "I don't have an objection to a law that takes guns out of the hands of someone who shouldn't have them," said Randy Graichen, a gun collector. "I have a number of guns, but this law doesn't worry me."

That's not to say the law is without its critics, which include defense attorneys, the American Civil Liberties Union and some lawmakers. They contend it gives police too much authority to invade people's homes and seize property where there is no probable cause.

"The box is now open," Representative Richard D. Tulisano, a Rocky Hill Democrat, told The Times. "One thing will lead to another. There is no such thing as a risk-free society. The closer you try to get to that, you give up something. Are we prepared to risk all of what our forefathers fought and died for for a feeling of safety, which many not make you safe at all?"

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Racial bias alleged in Secret Service

"Who you know" may outweigh "what you know" for black agents with the U.S. Secret Service, who last month filed a federal complaint alleging a pattern of discrimination within the agency with respect to performance evaluations, assignments, training, promotions, transfers and a "racially hostile work environment" dating to 1987.

The lead plaintiff in the case is Reginald G. Moore, 40, who rose to one of the most prestigious posts in the Secret Service as lead agent on President Clinton's protective detail before being reassigned to a Dallas-based counterfeiting squad. Moore was also given the task of training a white agent who had been promoted ahead of him.

The class-action complaint filed with the federal Equal Employment Opportunity Commission alleges that promotions within the Secret Service are made through an informal system of friends and influential contacts. Said the complaint: "Even through the Secret Service promotion system has a numerical ranking, it is excessively subjective, is not job-related and has been implemented through a 'good old boy network' to the exclusion of African-American Special Agents. White Special Agents who have relatives or

friends in the Secret Service are able to access this network and advance quickly."

The complaint is seeking an official agency finding that plaintiffs' rights have been violated and an order barring the Secret Service from any form of discrimination.

While Secret Service officials would not comment on matters currently under litigation, an agency spokesman, John Mackin, said the agency takes very seriously any allegation of discrimination. "This organization has actively engaged in ensuring a diverse work environment and affording equal opportunity to each of our employees," he told The New York Times.

Mackin noted that of the agency's seven assistant directors, two are black and one is female.

David J. Shaffer, an attorney for the agents, who has also represented minority agents from the FBI and the Bureau of Alcohol, Tobacco and Firearms in similar challenges, said the percentage of African American agents in the managerial ranks of the Secret Service underscores the complaint's charges. As of July 31, 1999, he noted, black agents at the rank just below supervisor made up 10.7 percent of the 2,453-member

service, while African Americans at the first managerial level comprised just 4.2 percent. The plaintiffs attribute the disparity to discrimination.

The action taken by the black agents follows that of other African American federal law enforcement officers who have won substantial changes in promotions, assignments and training after successful court challenges. John E. Turner, one of the plaintiffs who is a member of Vice President Al Gore's protective detail, said the complaint is the first step in a process that could wind up in federal district court if not informally resolved.

"What makes it so compelling at the Secret Service is that they are willing to take a bullet for the president but they can't get promoted because of their race," Shaffer told The Times.

Last year, Moore received a promotion to be a temporary supervisor at the Joint Operations Center at the White House. The center is used to coordinate the movements of the president and vice president and other dignitaries, and manages security at the White House complex. Such temporary assignments almost always lead to permanent managerial positions, but when senior managers selected agents for advancement,

Moore was not on the list.

Being assigned to the president's detail is "huge," Moore told The Times. After working in the agency's Miami and Baton Rouge bureaus, he was given the assignment in 1994. In addition to the specialized skills he had to learn, such as driving the armor-plated, electronics-laden presidential limousine, Moore also studied with behavioral scientists to learn how to spot potentially

threatening people in crowds and stayed in top physical condition so as to be ready to take on any physical threat to the president. He also learned how to respond to spontaneous situations, such as Clinton's penchant for wading into a crowd — a contingency that calls for agents to improvise a human shield.

"I did it the way I was supposed to do it," he told The Times. "I got a very, very wrong deal."

What one learns on a visit to the blue wall

Continued from Page 8

tion: a stubborn refusal at all levels of the Department to acknowledge that a serious problem exists.

"The interaction of stubbornness, hostility and pride has given rise to the so-called 'rotten-apple' theory...a basic obstacle to meaningful reform. To begin with, it reinforced and gave respectability to the code of silence. The official view that the Department's image and morale forbade public disclosure of the extent of corruption inhibited any officer who wished to disclose corruption and justified any who preferred to remain silent....

"Once we had rejected the premises of the rotten-apple doctrine, the Commission determined to employ one of the techniques that adherence to the doctrine had made impossible, namely to persuade formerly corrupt officers to work with us in providing evidence of continuing corruption."

The Knapp Commission employed traditional investigative techniques and exposed significant corruption in the New York City Police Department. The Commission and its staff gathered evidence, confronted corrupt officers and convinced them to cooperate with investigators. They did not expect corrupt officers to voluntarily disclose their own misdeeds. They did not wait for the good officers to tattle on their friends. Relying upon evidence, warrants and subpoenas, they had little trouble with the Blue Wall.

Numerous investigations of police misconduct, both before and since the Knapp inquiry, have extracted informa-

tion from police officers with relative ease. Proper investigations do not cease simply because the accused refuses to answer questions, or witnesses are reluctant to volunteer information. How can a wall that crumbles so easily be taken seriously? Who, or what, reconstructs the wall after each breach? Any police officer who relies on the Blue Wall to protect his misdeeds is making a big mistake. On the other hand, any investigator who wants to halt an investigation before the full disclosure of truth finds a convenient ally in the Blue Wall.

Every significant police safeguard established after the disclosures of the Knapp Commission has been dismantled, including the oversight of investigation of misconduct. There are numerous independent bodies that are responsible for the investigation of police misconduct: five district attorneys, a special prosecutor, federal agencies and the Police Department itself. When all of these failed to follow up on information describing the criminal conduct of Officer Michael Dowd, someone should have looked for the system failure. But the Mayor's Criminal Justice Coordinator, Judge Milton Mollen, who should have been accountable, was instead chosen to "Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department." The search looked at the Police Department, ignored the failure of the Special Prosecutor, each district attorney and the federal agencies, and rediscovered the blue wall. How very convenient.

Miranda mistakes can be very costly

Continued from Page 1

covery of key evidence, including bodies and weapons. "Most people want to talk," she told The Associated Press. "They want to tell the police what happened. A very small percentage actually invoke" their Miranda rights."

In their decision, the three appellate judges found that with regard to the officers' belief that they could continue interrogating a suspect who had invoked the right to remain silent, while there is no constitutional right to the Miranda warnings themselves, the rights "supply practical reinforcement for the Fifth Amendment right" against self-incrimination.

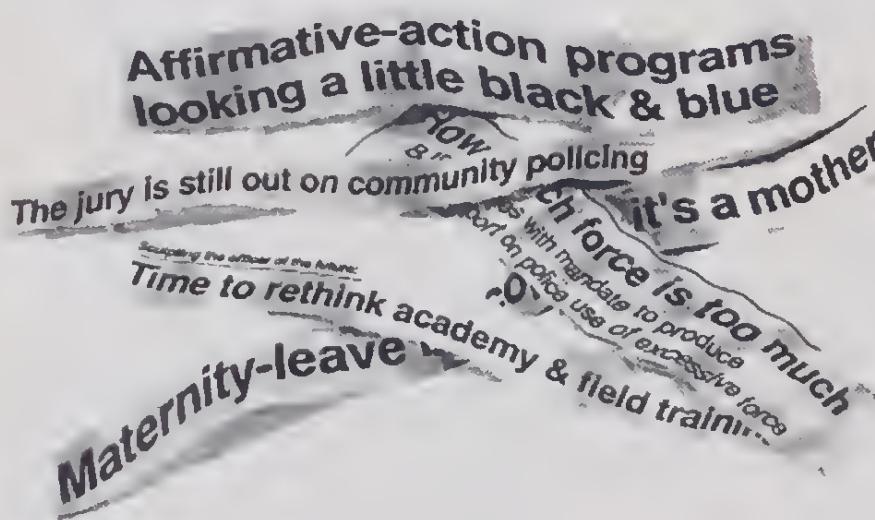
Citing several post-Miranda decisions by the U.S. Supreme Court, Judge William Canby wrote that "these decisions indicate that there has been no

weakening in Miranda's mandates to protect the rights of suspects during custodial interrogations. In the face of these clear and unequivocal decisions, reasonable officers in the position of defendants would have known that their actions violated McNally's and Bey's Miranda rights."

Canby, who wrote for majority, said the officers deliberately ignored the suspects' requests to speak with an attorney.

In rejecting the contention that the officers were insulated from liability because they were "following orders," the judges said that while the Santa Monica and Los Angeles police departments might have trained their police to "violate the rights of individuals does not provide any defense for these officers."

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What Miami-Dade is doing right on use-of-force

Continued from Page 1

authors to be slightly more calm during an arrest situation than whites or Hispanics, and likely to be less erratic in their behavior. Black suspects were also significantly less likely to be impaired by drugs or alcohol than either whites or Hispanics.

According to the "force factor" equation devised by the researchers for analyzing both officer force and suspect resistance, Miami-Dade officers on the average used a level of force that was less than the degree of resistance shown by the suspects, according to Dunham — a finding said to reflect favorably on the department, its training and other practices.

The researchers divided levels of force into categories labeled "minimal" (pushing, getting handcuffs on, etc.), "force with hands" (including fighting) and "other" (everything from batons to deadly force).

Compared to the departmental average discerned by the researchers, black and Latino officers arresting white suspects tended to employ lower levels of force in relation to the level of resistance than was found in other ethnic matches. While white officers in general used the same amount of force for given levels of resistance in each ethnic category, black officers tended to treat white suspects with less force than average, and Hispanic suspects with more.

Dunham and Alpert cite a "deference exchange" theory as one possible explanation. According to the study, previous work has shown police-citizen interactions to be governed by status, in which police are the more dominant party. "Our results suggest that minority officers, whether black or Latino, require less deference from Anglo suspects, or are at the least more tolerant of a lack of respect if the suspect is Anglo," the authors said.

By the same token, white suspects resist at higher levels when the officer

is a black than if the officer is either white or Hispanic.

"According to the 'deference-exchange' theory, it appears that black officers are given less deference by Anglo suspects than other officers," the study observed. "In turn, they may expect less respect, which results in black officers administering lower levels of force for a given level of resistance."

Moreover, minority officers may be influenced by a police subculture that has less respect for minority suspects, and would thus create a lower threshold for any resistance by them.

The authors expressed some concern that their findings would be taken out of context and applied to law enforcement agencies other than Miami-Dade. "I'm a little concerned that there are some people out there that will say racism doesn't occur in police departments," said Alpert. "It certainly is not saying that race doesn't matter. Of course [it does]. In both the qualitative and quantitative interpretations, I think you have to consider race."

Although the study could — and, arguably, should — be used as a model by other law enforcement agencies to get a better reading on the part ethnicity plays in use-of-force situations within their own ranks, according to Alpert, the findings relate only to the department studied. "There are 27 departments in Dade County and I don't think you can even extrapolate to any of them," he said. The study does, however, serve as a counterpoint to the high-profile cases of excessive force by white officers.

"We started out this paper talking about Arthur McDuffie and we made reference to [Amadou] Diallo and Rodney King and saying this is what you hear in the paper, incredible situations of racial problems and they do exist, certainly. While that exists, the point we're trying to make is here is a department that through its hiring, through its training, through its super-

vision, has really done a wonderful job of correcting the problem," Alpert noted.

Chief Steve Rothlein, head of Miami-Dade's criminal investigation division, said that after 1980 there was a definitive move by the agency's leadership to change the culture of the organization. There have been a series of agency directors, said Rothlein, who have stressed core values, ethics, and the department's mission statement.

"[They] kept the rank-and-file focused on things like doing the right thing, integrity, service, fairness and dealing with the public," he said. "I think there is a great level of professionalism in our agency that when you look at things like our use of force, maybe those results are surprising to some people, but I don't think we were surprised by it."

An early warning system has had a major impact on how use of force and complaints are accepted by the agency and investigated, as well. The department

has a very proactive professional compliance bureau staffed with a tremendous amount of manpower, said Rothlein. Every complaint, including courtesy and use of profanity, is thoroughly investigated, he said. "When you have that type of effort, and you have sanctions for people that violate our core values, then that starts to impact things in a positive way."

Asking how much of the department's success as posited by the study is the result of training or organization culture is a "chicken-and-egg kind of question," said Maj. Dick Rogers, who heads the Bureau of Training. A key component, he told LEN, is the reinforcement throughout in-service training of the department's matrix-of-force philosophy, or the level of force officers can use when met with certain levels of resistance.

"Every time they attend a course that deals with applied force, the use-of-force matrix gets reviewed with them, step-by-step," said Rogers. "We issue

a wallet-size card to every employee when they go through this training. I doubt they pull it out to refer to on the street before they do something, but it's a reminder of the department's policy and the state's policy on use of force."

A 28-year veteran who went through the McDuffie riots, Rogers said that in the aftermath of that episode, the department began to pay more attention to its interactions and relations with the community. Fairness and respect, two key tenets of its mission statement, are reinforced during the evaluation and discipline process. They eventually become a part of the culture, letting officers know what is acceptable behavior and what is not.

"We don't want to be an army of occupation," said Rogers. "We are a law enforcement agency and a part of this community, we live in this community, so we have to be sure the techniques we use and our approach to dealing with the public reflects the needs of this community and the safety of the officers."

Minnesota posts up crime files, warts & all

Minnesota state officials last month decided to add tens of thousands of conviction records containing potentially inaccurate information to a database used by police to check the criminal backgrounds of suspects, reasoning that the records are too important to be left out.

The 140,000 records contained in what is known as the "suspense file" had been previously off limits because they either did not have fingerprints attached or contained data entry errors.

Contained in the file, which will now be included in the database of the Minnesota Bureau of Criminal Apprehension, are the conviction records of 30,000 felons. Some 1,700 are for criminal sexual conduct, 311 involve weapons and firearms, and 208 are for murder or manslaughter, according to Karen McDonald, director of criminal justice systems for the agency.

Last July, The Minneapolis Star Tribune identified 8,700 chronic offenders who were repeatedly booked into jails with few serious consequences. Officials blamed the practice on incomplete records and computers that did not communicate with each other.

While the data in the suspense file

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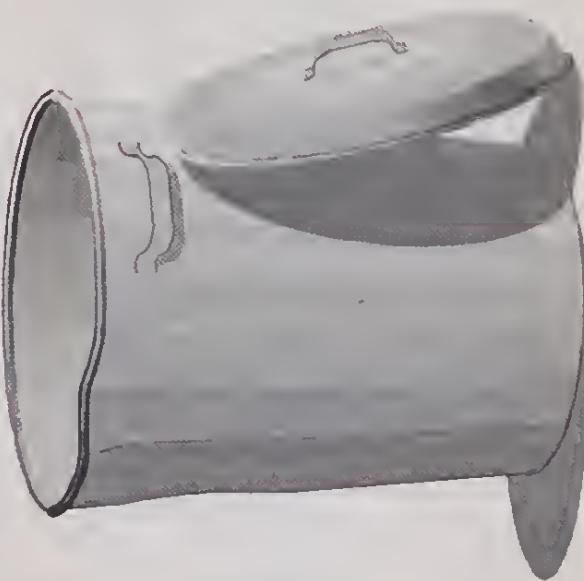
Good news, bad news:

The good? A study says the Miami-Dade police are doing a lot of things right when it comes to use of force. **The bad?** The results of the study may not be readily applicable to other departments.

On Page 1.

Garbage in, garbage out:

An LAPD inquiry finds a lot to raise a stink about in the Rampart scandal, starting with the way some candidates are chosen for hiring. **Page 1.**



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What They Are Saying:

"A lot of people are thinking that Anglo officers are out there using a whole lot of extra force on minorities — we didn't find that."

— University of Miami sociologist Roger Dunham, on the findings of new research into the use of force by officers of the Miami-Dade (Fla.) Police Department. (Story, Page 1.)